Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/681,103	FEI ET AL.	
	Examiner	Art Unit	
	JOHN PAK	1616	

All Participants:

(1) *John Pak*.

(2) *Fay Zhengxing*.

Status of Application: *Now Under Final Rejection* NON-

(3) *Dehou Fei (via fax communication, see below)*.

(4) _____.

6/12/07

Date of Interview: *7 June 2007*

Time: _____

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☒ Yes ☐ No
If Yes, provide a brief description: *Ms. Zhengxing and Mr. Fei responded to the Examiner's earlier fax communication via fax. A follow-up telephone conversation was also conducted between the Examiner and Ms. Zhengxing. A copy of applicant's fax of 6/7/2007 is attached hereto.*

Part I.

Rejection(s) discussed:

Claims discussed:
See applicant's fax, attached hereto.

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature) (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:

The Examiner stated that the claims as drafted in applicant's fax are full of informalities and the Examiner asked at the outset whether applicant's fax is intended to be an official filing or an informal communication for discussion purposes only. Ms. Zhengxing stated that the fax is for discussion purpose only. The Examiner asked for confirmation. Ms. Zhengxing reiterated that the fax is for the purpose of discussion only (applicant was following up on the changes suggested by the Examiner on 5/31/2007 and was replying in writing because the Examiner asked for a written reply for discussion) and not to be entered as a formal amendment to the application.

The Examiner stated that the claims contain subject matter that must be canceled because they are drawn to non-elected inventions. Ms. Zhengxing stated that the other, non-elected compositions and method are important to the invention because they work in conjuction to provide a wide variety of physiological benefits. The Examiner explained that the claims are not written that way and the specification does not expressly disclose the invention in that manner. The Examiner explained that only one invention can be examined in one application and non-elected inventions must be canceled. The Examiner explained to the pro se applicant the concepts behind restriction requirement and filing additional continuation or divisional applications and suggested reading up on the topics on the USPTO website. The Examiner also referred Ms. Zhengxing to the Office action of 6/21/2005, wherein securing the services of a registered patent attorney or agent was mentioned.

Ms. Zhengxing, in consulation with Mr. Fei, stated that applicant cannot agree to the changes proposed by the Examiner on 5/31/2007, in particular the cancellation of claims 7-9. See the Examiner's fax attached to the Interview Summary of 5/31/2007. Ms. Zhengxing stated that the inventors are concerned about potential infringers who, upon reviewing the published application, could infringe on the canceled subject matter. The Examiner stated that that's why one could file continuation or divisional applications. Ms. Zhengxing stated that the cost of filing additional applications would be unfair and too much. In sum, applicants would not agree to the Examiner's proposal of 5/31/2007.

The Examiner stated that in that case, a final Office action would be issued based on the claims submitted by applicant on 4/20/2007 (since the fax of 6/7/2007 is an informal reply for discussion purpose only). The Examiner informed applicant that under After-Final practice, entry of any substantive amendment after a final Office action has been issued can no longer be made as a matter of right. Ms. Zhengxing stated that she understood.

06/07/2007 13:11

=== COVER PAGE ===

TO: _____

FROM: FAY ZHENGXING

FAX: 2025624429

TEL: 2025624429

COMMENT: URGENT

PAGE 1/9 * RCVD AT 6/7/2007 1:16:36 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/20 * DNIS:2730620 * CSID:2025624429 * DURATION (mm-ss):02-30

— Part of Interview Summary

Attn: John Pak, Primary Examiner

From: Dehou Fei, the major inventor

Address: 3736 10th Ave. Apt. 2H, New York, NY 10034.

Phone & Fax: 212-567-2713

Cell Phone: 646-826-9930

Dear Mr. John Pak:

If you do not receive the following 7 pages of this faxed mail, please call us at the phone number above as soon as possible. Thank you.

Sincerely,

Dehou Fei

Dehou Fei

Part of Interview Summary

6/8/07

3736 10th Ave. Apt.2H
New York, NY 10034
Phone & Fax: 212-567-2713
Cell Phone: 646-826-9930

Primary Examiner John Pak
Art Unit 1616
Patent Technology Centers
U.S. Patent and Trademark Office
Tel: 571-272-0620
Fax: 571-273-0620

Re: patent application 10/681103

Dear Mr. Pak:

Thank you for your recent unusual attention to our patent application, which has been obviously stalled for two years. Before we respond specifically to the changes you suggested in our claims and specification, we must point out our stance on the current status of our application as follows:

1. If we decide to make some changes as you suggested for your further processing of our application, it does not mean we can deny the fact that your examiner (a woman employee) informed us in 2005 that our application, amended in accordance with your initial advices, had passed the examination. Your record and your internal investigation should have proved the truth. If we had not passed the examination, you would not have waited for two years to repeatedly give us more opportunities to modify our claims and specifications. Our application deserves speedy processing, especially after you granted the petition of my father, the 86-year-old major inventor, "to make special" on Oct. 29, 2003 under the provision set forth in M. P. E. P. 708.02, IV.

2. If we decide to make some changes as you suggested for your further processing of our application, it does not mean we will not pursue the tremendous damages caused by the intentional and "illegal" abandonment of your normal process over the past two years. The US Patent law (overview) specifically emphasizes the importance of timeliness in patent application, "Patents grant an inventor the right to exclude others from producing or using the inventor's discovery or invention **for a limited period of time**. U.S. patent laws were enacted by Congress under its Constitutional grant of authority to protect the discoveries of inventors. *See U.S. Constitution, Article I, Section 8.* More specifically, the law states, "Patents were normally issued for a non-renewable period of **seventeen years**, measured from the date of issuance." *See [[USC:35:154§ 154 of Title 35.]]* Under the amended provision (which took effect June 8, 1995) the term will be **twenty years** measured from the date of application. In order to be patented an invention must **be novel**, useful, and not of an obvious nature. *See §§ 101-103 of Title 35*.

3. We cannot cancel Claim 7, 8, and 9 to reduce the value of our patent for the following reasons: a) our patent belongs to utility patents issued for four general types of

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— Part of Interview Summary —

inventions/discoveries: machines, human made products, compositions of matter, and processing methods. *See § 101 of Title 35.* More specifically, the value of our patent lies in the composition of matter or ingredients of the health pills and liquid additive, as well as in the processing methods or the prescription, preparation, and use of liquid additive and health pills. *See Table 1 and Table 2* as you named. The components of the health pills and the liquid additive are interactive and supplemental to each other. Therefore, these components are inseparable from each other to form the unity of our patent and to render the value of our patent – health enhancement through reduced toxins, strengthened immunity and smoking cessation; 2) we revised our claims in accordance with your advice and your office passed our amended version of claims in 2005. *See our amended claims dated July 20, 2005*; 3) our patent with the same claims was approved in China in 2005, which professionally proved our success in application. *See copy of patent certification issued in China.*

The following is our response to your specific suggestions or messages:

A. Please use our major inventor's name (Dehou Fei) on your future mails, not only because it was based on the major inventor's age that you granted the petition to "make it special" in 2003, but also because inventors are different in their contribution to this project and in our distribution of patent sale value.

B. We can only secure the signatures of inventors in this country if we need to submit this amended version as soon as you requested. What is the deadline for filing a supplemental declaration that has the fifth inventor's signature?

C. The proprietary names are for convenience in identifying health pills, but we can remove the names as you suggested.

D. The mark * is to indicate the ingredients that also serve the function of addiction elimination. In the original version of the Specification, there is a footnote to illustrate the function of the mark *. Should we add a similar footnote to the amended claims?

E. The certified copy of the Chinese priority application contains only one page. We do not fully understand the document you refer to in the letter.

F. We knew the existence of registered patent attorney or agent from the very beginning of our application. However, limited by our budget, we had to apply for patent ourselves. Since we were informed that we had passed your examination by amending our first version of application in accordance with your examiner's suggestions in 2005, we, at this point, see no necessity to hire an attorney on the almost finished application.

G. We are not sure of the content of the four pages of Appendix 2. Could you remind us of the content of the four pages?

H. We agree to make some changes on page 7, 13-15, 19, and 21 as you suggested.

Part of Interview Summary

Please send us your advice or feedback as soon as possible. Let's unite under the law to protect the interest of the United States and of patent applicants. Please feel free to contact us at the address above if you have any questions or need further information. Thank you.

Sincerely,

Dehou Fei

Dehou Fei, Major Inventor (written by Faye Zhengxing, Ph.D.)

— Part of Interview Summary —

Application/Control Number: 10/681,103
Art Unit: 1616

July 20, 2005.

Claim Amended

Pursuant to 35 U.S.C. 121, inventors of this patent application (10/681, 103), in light of Examiner's advice, amend their claim as follows to meet the restriction requirement:

Elect Group 3. Cancel Claims 1-4 and Additional Claim. Submit new Claim 5.

Claim 5:

1. A composition (ACA-1-4 2A) for preventing smoking related cancers, cardiovascular diseases, respiratory diseases, and other smoking caused physical problems, wherein for 100 gram of tobacco (about 20 cigarettes x 6.667 packs), the composition, in oral dosage form, comprises:

Sodium selenite	0.2-14.6 mg
B-cyclodextrin (1.85%)	3.5-67 ml
*Vitamin E	0.2-10 g
*Vitamin A	3-35 mg
Butylated hydroxytoluene	0.3-27 mg
Riboflavin	7-200 mg
*Nicotinic acid	7-2000 mg
*Pyridoxine hydrochloride	33-2000 mg

2. A composition (ACA-104 2B), part of Claim 5, wherein for 100 gram of tobacco (about 20 cigarettes x 6.667 packs), the composition, in oral dosage form, comprises:

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*Ascorbic acid	0.07-6 g

3. A composition supplemental to claim 5, for reducing the toxicity in tobacco smoke such as nicotine, tar (including polycyclic aromatic hydrocarbons represented by 3, 4 benzo(a)phrene), carbon monoxide, nitric oxide compound, hydro cyanic acid, cadmium, mercury, arsenic, nitrosamine, wherein for 100 grams of tobacco, the composition, in liquid additive form, comprises:

Tween-80	0.7-15ml
Hot water (55-60°C)	50-100 ml
Cerium dioxide	7-134mg
Sulfuric acid (5%-20%) V/V	0.2-10 ml
Selenium dioxide	0.4-8mg
B-cyclodextrin	0.1- 4 g
Hydrogen peroxide (3% or 6%)	30-600 ml
Potassium permanganate	15-150 mg
*Cupric Sulfate	45--400 mg
Cupric Oxide	20--270 mg
Activated Manganese dioxide	10--100 mg

4. A method, according to claim 1, 2 and 3, for resuming the activity of glutathione peroxidase (GSH-PX) by applying a co-enzyme to guarantee its unfailing effect in reducing tobacco toxicity and preventing diseases.

5. A method for eliminating smoker's addiction, wherein Nicotinic acid, Pyridoxine, Vitamin E, Vitamin A, hydrochloride Ascorbic acid, Cupric Sulfate, according to claim 1, 2, and 4, are designed to decrease dopamine and glutamic acid in the human brain through a) copper compound & manganese compound to strengthen

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MAO's activity; b) VB6 to turn glumatic acid to γ- aminobutyric acid (GABA); c) VA, VE, VC and other anti-oxidants to prevent excessive iron in the body from releasing glutamic acid in the brain.

— Part of Interview Summary

Part of Interview Summary

发明专利证书

证书号 第226808号

发明名称：具有保健作用的香烟减毒、脱瘾制剂

发明人：费德厚；费开元；费文礼；费导先；费文宜；胡明言；费正行；周行；费正平

专利号：ZL 03 1 51012.4 国际专利主分类号：A24B 15/00

专利申请日：2003年9月17日

专利权人：费德厚；费开元；费文礼；费导先；费文宜；胡明言；费正行；周行；费正平

授权公告日：2005年9月14日

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中华人民共和国国家知识产权局

2005年9月14日